

COPY

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

**THE DEPARTMENT OF TRANSPORTATION
OF THE STATE OF ILLINOIS, for and in
behalf of the People of the State of Illinois,**

Petitioner,

vs.

**KANSAS CITY SOUTHERN
RAILWAY COMPANY,**

Respondent.

No.

703-0003

TRANSPORTATION DIV

2003 JAN 21 P 3:12

ILLINOIS COMMERCE
COMMISSION

**(Parcels 6248167PE1, 6248167PE2, 6248167PE3,
6248167TE1, 6248167TE2, 6248167TE3 and
6248167TE4)**

PETITION FOR APPROVAL TO TAKE PROPERTY

NOW COMES THE DEPARTMENT OF TRANSPORTATION OF THE STATE OF ILLINOIS, Petitioner, by LISA MADIGAN, ATTORNEY GENERAL and STANLEY L. MORRIS, Special Assistant Attorney General, and for its Petition for Approval to Take Property states:

1. Petitioner is engaged in the construction of FAP Route 310 (U.S. 67), a State highway under the control and jurisdiction of Petitioner, in Illinois counties including Scott and Greene, under and by virtue of the Illinois Highway Code (605 ILCS 5/2-101 through 5/2-220 and 5/4-101 through 5/4-511). The lands and premises hereinafter described and legally described as set out in Exhibits "A", "B", "C", "D", "E", "F" and "G", respectively, attached hereto and incorporated by this reference, are required for Petitioner's construction

DOCKETED

of U.S. Route 67 from two miles north of Manchester, Illinois, to one mile south of the Greene County, Illinois line (hereafter the "Project").

2. Respondent, KANSAS CITY SOUTHERN RAILWAY COMPANY, is a rail carrier as defined in the Illinois Commercial Transportation Law (625 ILCS 5/18c-7101 et seq.), is engaged as a common carrier by railroad within Illinois and is subject to the jurisdiction of the Illinois Commerce Commission.

3. The land, rights, and other property hereinafter described are private property and the Respondent appears to own, have an interest in, or claim to have some interest therein.

4. The Project is a public work, is for public use and constitutes a public purpose, in Scott and Greene Counties, Illinois; it is in the public convenience and necessity that the Petitioner have and acquire permanent easements in Parcel Nos. 6248167PE1, 6248167PE2 and 6248167PE3, more particularly described in Exhibits "A", "B" and "C", respectively, attached hereto, and temporary easements in Parcel Nos. 6248167TE1, 6248167TE2, 6248167TE3 and 6248167TE4, more particularly described in Exhibits "D", "E", "F" and "G", respectively, attached hereto. The temporary easements shall be in effect for a period of three (3) years, from the date of vesting or until completion of construction operations, whichever occurs first.

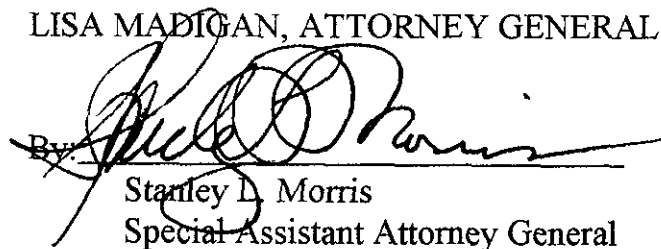
5. The compensation to be paid by the Petitioner to the Respondent for this parcel or the interest therein or the form of conveyance cannot be agreed upon between the Petitioner and the Respondent and the Petitioner, therefore, is authorized, subject to the initial approval

of the Illinois Commerce Commission, to proceed to acquire said lands, rights or other property through the exercise of the right of eminent domain under the Eminent Domain Laws of Illinois.

WHEREFORE, Petitioner prays the Illinois Commerce Commission enter an Order authorizing Petitioner to proceed with an action in eminent domain to acquire from Respondent, KANSAS CITY SOUTHERN RAILWAY COMPANY, permanent easements in Parcel Nos. 6248167PE1, 6248167PE2 and 6248167PE3, more particularly described in attached Exhibits "A", "B" and "C", respectively, temporary easements in Parcel Nos. 6248167TE1, 6248167TE2, 6248167TE3 and 6248167TE4, more particularly described in attached Exhibits "D", "E", "F" and "G" respectively, all in accordance with Article VII (735 ILCS 5/7-101 through 5/7-129) of the Illinois Code of Civil Procedure.

THE DEPARTMENT OF
TRANSPORTATION,
STATE OF ILLINOIS, Petitioner

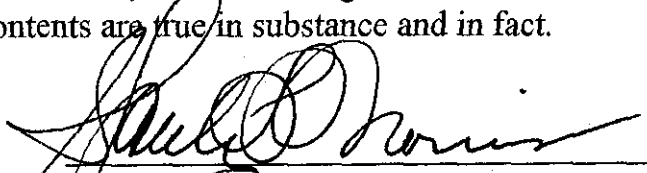
LISA MADIGAN, ATTORNEY GENERAL

By: 
Stanley L. Morris
Special Assistant Attorney General

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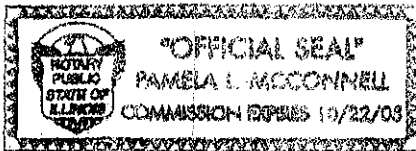
STATE OF ILLINOIS)
) SS
COUNTY OF SANGAMON)


I, STANLEY L. MORRIS, of lawful age and being first duly sworn, depose and say that I am a Special Assistant Attorney General for the State of Illinois, that I have read the above and foregoing Petition by me subscribed, have knowledge of the contents thereof and that on information and belief said contents are true in substance and in fact.



STANLEY L. MORRIS
Special Assistant Attorney General

Subscribed and sworn to before me, a Notary Public, this 21st day of January, 2003.





Pamela L. McConnell
Notary Public

PROOF OF SERVICE

The undersigned certifies that on January 21, 2003, a copy of the foregoing document was deposited in the U.S. Mail, with postage prepaid, at Springfield, Illinois, plainly addressed to:

CT Corporation System
208 South LaSalle Street
Chicago, IL 60604

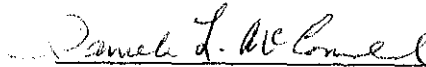


EXHIBIT "A"

PERMANENT EASEMENT
F.A.P. Route 310(U.S. 67)
Section 86-11
Job No. R-96-024-98
Parcel No. 6248167PE1
Scott County
Sta. 1892+88.72 to Sta. 1894+25.45
T.R. 151
Gateway Western Railroad
Purpose: Roadway and Ditch

Part of the Southwest Quarter of Section 28, the Southeast Quarter of Section 29, the Northeast Quarter of Section 32, and the Northwest Quarter of Section 33, all in Township 13 North, Range 11 West of the Third Principal Meridian, Scott County, Illinois, described as follows: ≡

Commencing at a stone (found) marking the northeast corner of the Northeast Quarter of said Section 32; thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, North 89 degrees 45 minutes 19 seconds West, 58.23 feet along the north line of the Northeast Quarter of said Section 32 to a point on the northwesterly existing right of way line of the Gateway Western Railroad, said point also being the Point of Beginning; thence North 27 degrees 24 minutes 01 second East, 109.33 feet along said northwesterly existing right of way line; thence North 89 degrees 56 minutes 35 seconds East, 74.38 feet to the southeasterly existing right of way line of the Gateway Western Railroad; thence South 27 degrees 24 minutes 01 second West, 135.23 feet along said southeasterly existing right of way line; thence South 89 degrees 56 minutes 35 seconds West, 74.38 feet to the northwesterly existing right of way line of the Gateway Western Railroad; thence North 27 degrees 24 minutes 01 second East, 25.90 feet along said northwesterly existing right of way line to the Point of Beginning, containing 0.205 acre, more or less.

EXHIBIT "B"

PERMANENT EASEMENT
F.A.P. Route 310(U.S. 67)
Section 86-11
Job No. R-96-024-98
Parcel No. 6248167PE2
Scott County
Sta. 81+29.11 to Sta. 89+47.68
Gateway Western Railroad
Purpose: Roadway and Ditch

Part of the Southwest Quarter of Section 28, Township 13 North, Range 11 West of the Third Principal Meridian, Scott County, Illinois, described as follows:

Commencing at a stone (found) marking the southwest corner of the Southwest Quarter of said Section 28; thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, South 89 degrees 22 minutes 13 seconds East, 15.89 feet along the south line of the Southwest Quarter of said Section 28 to the southeasterly existing right of way line of the Gateway Western Railroad; thence North 27 degrees 24 minutes 01 second East, 1,045.15 feet along said southeasterly existing right of way line to the Point of Beginning; thence North 00 degrees 34 minutes 19 seconds West, 140.71 feet to the northwesterly existing right of way line of the Gateway Western Railroad; thence North 27 degrees 24 minutes 01 second East, 767.52 feet along said northwesterly existing right of way line; thence South 00 degrees 34 minutes 19 seconds East, 140.71 feet to the southeasterly existing right of way line of the Gateway Western Railroad; thence South 27 degrees 24 minutes 01 second West, 767.52 feet along said southeasterly existing right of way line to the Point of Beginning, containing 1.163 acre, more or less.

PERMANENT EASEMENT

EXHIBIT "C"

F.A.P. Route 310(U.S. 67)

Section 86-11

Job No. R-96-024-98

Parcel No. 6248167PE3

Scott County

Sta. 1993+40.86 to Sta. 1996+17.49

Fifth Street

Gateway Western Railroad

Part of the South Half of the Northwest Quarter of Section 28, Township 13 North, Range 11 West of the Third Principal Meridian, Scott County, Illinois, described as follows:

Commencing at an iron rod marking the northeast corner of the Northwest Quarter of said Section 28; thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, North 89 degrees 05 minutes 56 seconds West, 1,340.41 feet along the north line of the Northwest Quarter of said Section 28 to the northwest corner of the East Half of the Northwest Quarter of said Section 28; thence South 00 degrees 09 minutes 37 seconds West, 2,262.08 feet along the west line of the East Half of the Northwest Quarter of said Section 28 to a point on the southwesterly existing right of way line of Fifth Street in Manchester, Illinois, said point also being the Point of Beginning; thence South 61 degrees 23 minutes 53 seconds East, 166.13 feet along the southwesterly existing right of way line of said Fifth Street to the northwesterly existing right of way line of the Gateway Western Railroad; thence northeasterly 30.03 feet along said northwesterly existing railroad right of way line on a curve to the right having a radius of 3,542.28 feet, the chord of said curve bears North 30 degrees 55 minutes 18 seconds East, 30.03 feet; thence continuing northeasterly 30.03 feet along said northwesterly existing railroad right of way line on a curve to the right having a radius of 3,395.95 feet, the chord of said curve bears North 31 degrees 25 minutes 18 seconds East, 30.03 feet; thence South 61 degrees 23 minutes 53 seconds East, 66.10 feet to the southeasterly existing right of way line of the Gateway Western Railroad; thence southwesterly 30.03 feet along said southeasterly existing railroad right of way line on a curve to the left having a radius of 3,343.73 feet, the chord of said curve bears South 31 degrees 28 minutes 40 seconds West, 30.03 feet; thence continuing southwesterly 30.03 feet along said southeasterly existing railroad right of way line on a curve to the left having a radius of 3,561.84 feet, the chord of said curve bears South 30 degrees 58 minutes 00 seconds West, 30.03 feet to the southwesterly existing right of way line of said Fifth Street; thence South 61 degrees 23 minutes 53 seconds East, 33.75 feet along the southwesterly existing right of way line of said Fifth Street to the northeast corner of Lot 10 in Block 2 of Hueston's Addition in the Town of Manchester; thence South 28 degrees 05 minutes 16 seconds West, 16.81 feet along the southeasterly line of said Lot 10; thence North 63 degrees 12 minutes 00 seconds West, 265.95 feet to the westerly existing right of way line of the Gateway Western Railroad; thence North 04 degrees 47 minutes 23 seconds East, 27.51 feet along said westerly existing railroad right of way line to the southwesterly existing right of way line of said Fifth Street; thence South 61 degrees 23 minutes 53 seconds East, 10.85 feet along the southwesterly existing right of way line of said Fifth Street to the Point of Beginning, containing 0.222 acre, more or less.

EXHIBIT "D"

TEMPORARY EASEMENT
F.A.P. Route 310(U.S. 67)
Section 86-11
Job No. R-96-024-98
Parcel No. 6248167TE1
Scott County
Rt. Sta. 129+87.70 to Sta. 130+54.06
Gateway Western Railroad
Purpose: Drainage Ditch Construction

Part of the Northeast Quarter of Section 28, Township 13 North, Range 11 West of the Third Principal Meridian, Scott County, Illinois, described as follows:

Beginning at a point on the northwesterly existing right of way line of the Gateway Western Railroad 750.02 feet right of Station 129+92.98 on the centerline of survey of F.A.P. Route 310 (U.S. 67); thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, North 59 degrees 25 minutes 11 seconds East, 61.21 feet along said northwesterly existing right of way line; thence South 19 degrees 10 minutes 45 seconds East, 20.40 feet; thence South 59 degrees 25 minutes 11 seconds West, 61.21 feet; thence North 19 degrees 10 minutes 45 seconds West, 20.40 feet to the Point of Beginning, containing 0.028 acre, more or less.

TEMPORARY EASEMENT

EXHIBIT "E"

F.A.P. Route 310(U.S. 67)

Section 86-11

Job No. R-96-024-98

Parcel No. 6248167TE2

Scott County

Rt. Sta. 180+29.28 to Sta. 218+08.08

Gateway Western Railroad

Purpose: Grading

Part of the East Half of the Southwest Quarter of Section 22, the Southeast Quarter Section 22, and the Northeast Quarter of Section 22, all in Township 13 North, Range 11 West of the Third Principal Meridian, Scott County, Illinois, described as follows:

Beginning at a point on the northwesterly existing right of way line of the Gateway Western Railroad 190.17 feet right of Station 180+29.28 on the centerline of survey of F.A.P. Route 310 (U.S. 67); thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, North 59 degrees 25 minutes 11 seconds East, 3,837.42 feet along said northwesterly existing right of way line to the east line of the Northeast Quarter of said Section 22; thence South 00 degrees 17 minutes 43 seconds West, 17.48 feet along the east line of the Northeast Quarter of said Section 22; thence South 59 degrees 25 minutes 11 seconds West, 1,828.47 feet; thence South 30 degrees 41 minutes 08 seconds East, 10.00 feet; thence South 59 degrees 25 minutes 11 seconds West, 2,000.00 feet; thence North 30 degrees 34 minutes 49 seconds West, 25.00 feet to the Point of Beginning, containing 1.779 acres, more or less.

EXHIBIT "F"

TEMPORARY EASEMENT

F.A.P. Route 310(U.S. 67)

Section 86-11, 69-12

Job No. R-96-024-98

Parcel No. 6248167TE3

Morgan County

Rt. Sta. 1608+34.66 to 1614+00.00

US 67 Connector Road

Gateway Western Railroad

Purpose: Grading

Part of the Northwest Quarter of Section 23, Township 13 North, Range 11 West of the Third Principal Meridian, Morgan County, Illinois, described as follows:

Beginning at a point on the northwesterly existing right of way line of the Gateway Western Railroad 106.58 feet right of Station 1608+34.66 on the centerline of survey of U.S. 67 Connector Road; thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, North 59 degrees 22 minutes 05 seconds East, 600.00 feet along said northwesterly existing right of way line; thence South 30 degrees 59 minutes 06 seconds East, 20.00 feet; thence South 59 degrees 22 minutes 05 seconds West, 600.00 feet; thence North 30 degrees 59 minutes 06 seconds West, 20.00 feet to the Point of Beginning, containing 0.276 acre, more or less.

EXHIBIT "G"

TEMPORARY EASEMENT

F.A.P. Route 310(U.S. 67)

Section 86-11

Job No. R-96-024-98

Parcel No. 6248167TE4

Scott County

Rt. Sta. 172+63.07 to Sta. 173+55.66

Gateway Western Railroad

Purpose: Roadway and Ditch

Part of the Southwest Quarter of Section 22, Township 13 North, Range 11 West of the Third Principal Meridian, Scott County, Illinois, described as follows:

Beginning at a point on the northwesterly existing right of way line of the Gateway Western Railroad 406.05 feet right of Station 172+75.52 on the centerline of survey of F.A.P. Route 310 (U.S. 67); thence along bearings referenced to the Illinois State Plane Coordinate System, West Zone, North 59 degrees 25 minutes 11 seconds East, 92.79 feet along said northwesterly existing right of way line; thence South 00 degrees 08 minutes 15 seconds East, 76.55 feet to the southeasterly existing right of way line of the Gateway Western Railroad; thence South 59 degrees 25 minutes 11 seconds West, 92.79 feet along said southeasterly existing right of way line; thence North 00 degrees 08 minutes 15 seconds West, 76.55 feet to the Point of Beginning, containing 0.141 acre, more or less.